

**Meeting of the
Wellesley Historical Commission
15 September 2020 19:00**

**Meeting Convened via Zoom Video Conference in Accordance with the
Emergency Orders of the Governor of the Commonwealth in Response to
The COVID-19 Pandemic**

1. Call to Order:

Chairman Brown called the meeting to order at approximately 19:02.

Members Present: Brown, Charney (for Shlala), Greco, Lilley, McNally, Schauffler, Shepsle

Alternate Members Present: Paine, Racette

Advisory Member Present: Dorin

Also Present: Marks (Planning Department)

2. Citizen Speak

None.

3. Public Hearings on Applications for Demolition

3a. DR-2020-28; 59 Smith Street

The Applicant did not appear for the hearing.

Marks gave the Planning Department's report, recommending that the house be deemed not preferably preserved.

No neighbors or citizens asked to speak.

Dorin indicated that 61 Smith Street was built at the same time as the Subject Property, and served as a bakery, and the owners of 59 Smith Street operated the bakery, which is somewhat unusual in Wellesley. Dorin expressed an opinion that this is the type of vernacular house which captures Wellesley's pre-suburban history that the Board often votes to preserve.

Brown stated that although the house is set back from the street, it fits well in the immediate neighborhood (which has the feel of a "village,") in terms of size, mass, scale and style.

Charney asked for clarification of whether the application applies to all of the structures on the property. Marks stated that the application applies only to the house.

Shepsle stated that she felt that failing to preserve this house would be a loss for Wellesley's history, even though there was nothing in particular that was particularly distinctive.

Charney stated that he was torn by this decision, but that there was nothing that jumped out to him in favor of preserving it.

Racette agreed with Dorin and Brown's comments.

McNally moved that based on the fact that the Subject house is importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the Town, the Commonwealth of Massachusetts or the United States of America, and is historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of Buildings, that the building be deemed preferably preserved. Greco Seconded.

Roll-call vote because of remote participation under applicable law and the emergency orders:

Charney: No;

Brown: Yes;

Greco: Yes;

Lilley: No;

McNally: Yes;

Shepsle: Yes;

Schauffler: Yes

Motion carried by a vote of 5-2. Delay was imposed.

DR-2020-28 was closed.

3b. DR-2020-32; 41 Chestnut Street

David Himmelberger, Esq. appeared on behalf of the Applicant.

Marks presented the report of the Planning Department recommending that the building be deemed preferably preserved.

Attorney Himmelberger stated that he did not dispute the Planning Department's report, including the reasons why the house would be deemed preferably preserved.

The following neighbors addressed the Commission, and each spoke in favor of preferably preserving the Subject house:

Debra Friedman and David Hoffman, 46 Chestnut Street. Ms. Friedman stated that they live on adjacent property known as "The Bunker Estate," which was a gift by the Subject property's original owner his daughter. The two houses are thus associated with each other. Each is an important aspect of the neighborhood. Presently, Chestnut Street hooks around to include their property as a result of a petition to the town long ago to rename that part of what had been Rockridge Road so that the relatives could live on the same street.

Michelle Ho, 9 Leonard Rd (abuts 41 Chestnut Street to the back and the side of the Subject property.) Ms. Ho stated that she and her family love the neighborhood because of the houses, including the Subject house. This is a well-preserved stately home.

Allison and Robert Bedenkop, 34 Garden Rd. The Bedenkops stated that this house is the type of house that the By-law was intended to preserve.

John Partridge, Lanark Rd. Mr. Partridge spoke of the house's beauty and echoed sentiments already expressed by other neighbors.

Jonathan Stein, 31 Chestnut Street. 30 years. Neo-federal/neo-Georgian architecture in the town. Tearing this house would be an act of "architectural barbarism" and would cause an "irretrievable loss" to the town.

Phillip Getto, 40 Chestnut Street (kitty-corner to the Subject house). Mr. Getto stated that the Subject house really "anchors" the neighborhood.

William Wagner, 14 Lanark Road. Mr. Wagner stated that the Subject house brings joy to everyone who passes by and is a "treasure" for Wellesley.

Elizabeth and Adam Burch, 1 Chestnut Street. Ms. Burch stated that the Subject house is an "anchor" and is one of the reasons they moved to that area of town.

Matthew Powers, 5 Lanark Road (directly abuts the Subject property.) Mr. Powers echoed the sentiments already expressed by other neighbors.

Mr. Dorin provided details about the history of this property and its owners. George White was a Probate Court judge in Norfolk County from 1858-1899, when Probate Courts had greater powers because it was a time when county government played a far greater role in the lives of Massachusetts citizens. Although George White never lived in the Subject house, the house is uniquely connected to Wellesley's history, by the "associated power" of the White family whose influence and importance to the town continued into the 1970's. George White married Frances Mary Van Noyes, the daughter of the very first pastor of the Wellesley Congregational Church. A family member (who was the son-in law of Albion Clapp) founded the Rockridge School. Another child, Mary Hawthorn White, married Clarence Bunker, who essentially established zoning in Wellesley, and (as mentioned by a neighbor at this meeting), lived in the house next door. Their son was an important catalyst in the founding of the Wellesley Historical Commission.

Brown asked Mr. Himmelberger to ask the owners to watch the tape of this meeting, if they are not in attendance tonight. He agreed to do so.

Shepsle stated that the children of the neighborhood would be deprived of an important piece of history if the house were torn down.

McNally moved that based on the fact that the Subject house is importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the Town, the Commonwealth of Massachusetts or the United States of America, and is historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of Buildings, that the building be deemed preferably preserved. Charney Seconded.

Roll-call vote because of remote participation under applicable law and the emergency orders:

Charney: Yes;

Brown: Yes;

Greco: Yes;

Lilley: Yes;

McNally: Yes;

Shepsle: Yes;

Schauffler: Yes

Motion carried by a vote of 7-0. Delay was imposed.

DR-2020-32 was closed.

4. Waiver Hearings

4a. DR-2019-68; 9 Wilson St.

At the Commission's last meeting, this hearing had been kept open for the purpose of awaiting a determination by the ZBA. Mr. Himmelberger advised that the ZBA has not yet acted.

McNally moved to continue the hearing to October 13, 2020. Schauffler seconded.

Roll-call vote because of remote participation under applicable law and the emergency orders:

Charney: Yes;

Brown: Yes;

Greco: Yes;

Lilley: Yes;

McNally: Yes;

Shepsle: Yes;

Schauffler: Yes

Motion carried by a vote of 7-0. Hearing continued to October 13, 2020.

4b. DR-2020-20; 6 Hastings Street

Applicants, Kristen and Ryan Lenhart, appeared.

Mr. Himmelberger mentioned that he is now representing the Applicants, and wanted to be sure that the Commission had received new materials that had recently been submitted.

Chairman Brown acknowledged recent receipt of new materials and stated that the Commission is in the process of developing guidelines for the timely submission of materials in advance of meetings. He stated that the various prior and new submissions were hard to evaluate on short notice.

Dorin stated his desire that the Commission receive specific additional information, namely: a formal engineering site plan that shows the existing structures and proposed structure, including dimensions and lot coverage; elevation drawings, fully-dimensioned; and, proposed materials to be used in the construction.

Mr. Lenhart asked for some clarification of Dorin's comments (at the last meeting) regarding a reduction of the mass and size of the proposed house, for further guidance. Brown responded, by stating that the Commission does not advise on specific dimensions, for example, as opposed to an overall look and feel of the proposed house on the site as compared to the current structure or in the context of the adjacent neighborhood. Dorin clarified his opinions expressed at last month's meeting. He stated that the most recent proposed front facade was an improvement, but the front parts of the side elevations are also visible from the street, and thus special care should be taken in designing a new structure with that in mind, so that it fits into the historic character of the immediate neighborhood, when viewed from the street.

Mr. Himmelberger stated that the house is not "oversized." It complies with town zoning, including lot coverage. He stated that the Commission's requests for certain information, such as a site plan, has evolved over time with different properties under consideration, but he acknowledged the right of the Commission to request such information.

For the purpose of providing guidance to the Applicant, Brown asked for more information about the flashing. He suggested that another window might be placed in the Northwest part of the house, to allow more symmetry from that angle. Another window on the back of the garage, in symmetry to the window on the second floor, would also look nice. On the left side elevation, the small window on the first floor might be moved slightly to allow for more symmetry with the window on the second floor. A higher sloped roof might make the house look more in line with neighboring houses.

Lilley stated that there are five houses in a row on this street, each of which is slender with a farmer's porch. There is a 4-foot grade change, but the site plan does not seem to reflect that fact. He suggested that it is very important to address that fact, because it is a "design hurdle." Mr. Himmelberger stated that they would look at it and address it. Lilley stated that raising the front profile of the house, and adding a farmer's porch (like the neighboring houses) would possibly solve that. He also endorsed the idea of a steeper pitched roof. He also suggested removing the battens between the first and second floors, and to make the siding material consistent from top-to-bottom.

Charney agreed with the suggestion of a farmer's porch, and stated his opinion that the box bay on the present plan does not work well with the other features of the house.

The Applicant stated that it seemed that the Commission would be opposed to a retaining wall in the front of the house. Lilley initially agreed, and stated that the farmer's porch would probably solve the

problem as well as making the house fit into the character of the neighboring houses, but also stated that a small retaining wall might work.

McNally moved to continue the hearing to October 13, 2020. Schauffler seconded.

Roll-call vote because of remote participation under applicable law and the emergency orders:

**Charney: Yes;
Brown: Yes;
Greco: Abstained;
Lilley: Yes;
McNally: Yes;
Shepsle: Yes;
Schauffler: Yes**

Motion carried by a vote of 6-0. Hearing continued to October 13, 2020.

5. Approval of Minutes

Mr. McNally requested minor corrections.

McNally moved to approve the minutes, as edited. Schauffler seconded.

Roll-call vote because of remote participation under applicable law and the emergency orders:

**Charney: Abstained;
Brown: Yes;
Greco: Yes;
Lilley: Abstained;
McNally: Yes;
Shepsle: Yes;
Schauffler: Yes**

Motion carried by a vote of 5-0.

6. Project Updates

Brown will reach out to Shlala regarding a possible newspaper article about 41 Chestnut Street.

7. New Business

DR-2019-06 – 183 Walnut Street: Request to Rescind Waiver Agreement.

Greco expressed concern that rescinding prior waiver agreements was legally unnecessary.

Brown stated that per Town Counsel, the Commission's prior waiver agreement vote became binding on the property at the time of the vote, regardless of whether the waiver agreement was signed or recorded at the Registry of Deeds, even though we are now beyond the date of the delay period

imposed by the By-law. Brown recounted the hard work by both the Applicant and the Commission to agree on the terms of the waiver agreement, but that the Applicant's financial considerations have since changed and the Applicant is now proposing a smaller addition that does not exceed a 50% demolition of the original structure. The Commission should encourage that, Brown said. Brown stated that going forward, the language of waiver agreements will specifically refer to the delay period and would expire at the end of the delay period, so that they will not be deemed by anyone to "run with the land." Brown stated that the intent of the Commission when granting waivers is to waive the delay period if a waiver agreement is worked out, as opposed to binding the property in perpetuity, regardless of whether the Applicant goes forward with the agreed-to project.

Marks stated that she would expect very few properties to find themselves in this position. Brown agreed.

Mr. Himmelberger asked to speak and offered his opinion that the waiver agreement would not be binding on an Applicant unless the Applicant has signed the agreement. Much discussion about that question ensued, as well as a discussion of how future waiver agreement language changes would make such debate moot. The members of the Commission who expressed an opinion on the subject each opined that the existing waiver was not binding after the expiration of the delay period. Some members stated that formally rescinding the prior waiver was appropriate because it would moot any potential future legal debate on the subject with respect to the Subject property, and therefore would prevent the prior waiver vote from hindering the Applicant's future plans for the property.

Brown moved that the Commission rescind the waiver agreement that the Commission n previously approved for the Subject property that had been approved by the Board. Shepsle seconded.

Roll-call vote because of remote participation under applicable law and the emergency orders:

Charney: Abstained;

Brown: Yes;

Greco: No;

Lilley: Yes;

McNally: Yes;

Shepsle: Yes;

Schauffler: Yes

Motion carried by a vote of 5-1.

DR-2019-70 – 31 Elm Street: Request to Rescind Waiver Agreement.

The Owner was present.

Brown stated that the issues raised by this request for a waiver were similar to those discussed with respect to 183 Walnut Street. A difference, however, is that we are not yet beyond the delay period, which will expire on January 14, 2021.

Brown moved that the Commission rescind the waiver agreement that the Commission n previously approved for the Subject property, and that the Subject property be bound by the Commission's original "preferably preserved" determination, with the delay period to expire on January 14, 2021.

Shepsle seconded.

Roll-call vote because of remote participation under applicable law and the emergency orders:

Charney: Abstained;

Brown: Yes;

Greco: No;

Lilley: Abstained;

McNally: Yes;

Shepsle: Yes;

Schauffler: Yes

Motion carried by a vote of 4-1.

After the vote, the Owner thanked the Commission, because this outcome was what he believed town officials had told him would be the effect if he chose not to build the project approved under the waiver agreement.

8. Bylaw Clarification Discussion

No additional discussion.

9. Adjournment

Chairman Brown adjourned the meeting at 21:31.